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TRUDI G. MANFREDO, Bar No. 166474
Chapter 7 Trustee
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UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF CALIFORNIA

FRESNO DIVISION

In the Matter of FRESNO MOVING & STORAGE, INC., Debtor(s).	Case No. 17-10136-A-7 Chapter 7 DC#: TMT-3 Date: April 12, 2017 Time: 9:00 a.m. Dept.: A, Courtroom 11, Fresno Honorable Fredrick E. Clement

TRUSTEE'S MOTION FOR ORDER AUTHORIZING EMPLOYMENT OF AUCTIONEER, AUTHORIZING SALE OF PROPERTY AT PUBLIC AUCTION AND AUTHORIZING PAYMENT OF AUCTIONEER FEES AND EXPENSES

TRUDI G. MANFREDO, Chapter 7 Trustee herein ("Trustee"), hereby moves the Court for authority to employ an auctioneer, for authority to sell property at public auction, and for authority to pay auctioneer fees and expenses, and respectfully represents as follows:

1. Debtor(s) filed a Chapter 7 petition on January 18, 2017, and an order for relief was entered. Trustee is the duly appointed, qualified and acting Trustee of the above-referenced bankruptcy estate.

2. Among the assets of the estate is a 2008 GMC Yukon, VIN 1GKEC13008J123889, License Number 6BNW651 ("Personal Property").

3. In order to liquidate said asset for the benefit of the creditors, the Trustee believes it is necessary to sell the Personal Property at public auction. Based on the Trustee's experience, Trustee believes that the best and highest net recovery to this estate will arise by selling the Personal Property at public auction through the employment and services of a licensed auctioneer. This asset is free and clear of any liens and encumbrances and Debtor has not claimed an exemption on this asset. Trustee believes the value of this vehicle to be $4,000.00.

4. Trustee seeks to retain the services of Gould Auction & Appraisal Company, 30602 Imperial Street, Shafter, California 93263 ("Auctioneer"). In order to expedite the sale of the Personal Property, Trustee entered into an agreement, subject to Court approval, with Jerry Gould of Gould Auction & Appraisal Company. Jerry Gould is the owner and operator of Gould Auction & Appraisal Company and is authorized to review this application and agree to the terms and conditions contained herein. Mr. Gould will conduct and be responsible for the public auction sale. The date for the public auction sale is April 22, 2017, at 10:00 a.m. The auction will be held at 6200 Price Way, Bakersfield, California 93308.

5. According to the agreement between Trustee and Auctioneer, the fees for professional services rendered by Gould Auction & Appraisal Company are as follows:

a. Auctioneer will receive a commission of 15% on the gross proceeds of the auction sale of unencumbered personal property.

b. Included in the commission will be necessary expenses including, but not limited to, inventory, advertising and other costs of sale.

c. Auctioneer may be reimbursed up to $350.00 for extraordinary expenses, without further order of this Court. (See paragraph 6 for details of expenses)

d. Auctioneer will be responsible for collecting and paying any and all sales tax in relation to this auction.

e. Auctioneer will charge a 10% buyer premium to be paid by the buyer directly.

6. Trustee is requesting authorization for extraordinary expenses without further order of the Court up to $350.00 as follows: $150.00 for transportation and storage fees; and $200.00 in the event the vehicle needs a new battery, tire or smog repair. The auctioneer holds a $150,000.00 bond that is required by the U.S. Trustee, the original of which is in the possession of the U.S. Trustee.

7. Trustee believes the proposed fee for services is reasonable and customary for the services to be rendered by the auctioneer.

8. Trustee believes that the granting of this Motion is in the best interests of the Bankruptcy Estate and, accordingly, the Court should approve said employment as provided in 11 U.S.C. §327(a). Based on the Declaration of Jerry Gould in Support of the Motion for Order Authorizing Employment of Auctioneer, the Trustee is informed and believes that Jerry Gould and Gould Auction &

Appraisal Company are disinterested persons within the meaning of 11 U.S.C. §101(14) and have no connections with the debtor(s), creditors, or any other parties in interest or in their respective attorneys or accountants, the U.S. Trustee or any person employed in the Office of the United States Trustee; that Mr. Gould is unrelated to the bankruptcy judge approving this appointment; and that Mr. Gould has not served as an examiner in this case.

9. Auctioneer

a. is not a creditor, an equity security holder, or an insider;

b. is not and was not an investment banker for any outstanding security of the debtor(s);

c. has not been, within three (3) years before the date of the filing of the petition, an investment banker for a security of the debtor(s), or an attorney for such an investment banker in connection with the offer, sale or issuance of a security of the debtor(s);

d. is not and was not, within two (2) years before the date of the filing of the petition, a director, officer, or employee of the debtors or of an investment banker specified in subparagraph (a) or (b) of this paragraph; and

e. does not have an interest materially adverse to the interest of the estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with or interest in the debtor(s) or an investment banker specified in subparagraph (a) or (b) of this paragraph, or for any other reason.

10. Trustee also requests that the 14-day stay under Federal Rule of Bankruptcy Procedure 6004(h) be waived.

WHEREFORE, Trustee prays for an order granting the following:

1. Authorization to employ Gould Auction & Appraisal Company as auctioneer to conduct a public auction to sell personal property;

2. Authorization to sell the above-described personal property at a public auction to be conducted on April 22, 2017, at 10:00 a.m. at 6200 Price Way, Bakersfield, California 93308;

3. Authorization to pay the auctioneer fees and expenses described above;

4. The 14-day stay under Federal Rule of Bankruptcy Procedure 6004(h) be waived; and

5. Such other relief as the Court deems just and practicable.

Dated: 3-10-17

/s/ Trudi G. Manfredo
TRUDI G. MANFREDO,
Chapter 7 Trustee